

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

IN RE:)	
WEBB MTN, LLC,)	
)	
Debtor.)	
_____)	
)	
WEBB MTN, LLC,)	
)	
Appellant,)	
)	
v.)	No. 3:08-CV-172
)	
KENNETH WHALEY,)	
GREENBRIER DEVELOPERS, LLC,)	
M&A ENTERPRISES, INC.,)	
EXECUTIVE REALTY PARTNERSHIP, L.P.,)	
and GERALD FRANKLIN, TRUSTEE,)	
)	
Appellees.)	

MEMORANDUM OPINION

This Chapter 11 case is once again on appeal from the United States Bankruptcy Court for the Eastern District of Tennessee. Debtor Webb Mtn, LLC appeals the bankruptcy court's March 6, 2008 order granting appellees' "Motion for Entry of Order Determining That Debtor Is Subject to the 'Single Asset Real Estate' Provisions of 11 U.S.C. § 362(d)(3)."

A bankruptcy court's findings of fact are reviewed for clear error, and its conclusions of law are reviewed *de novo*. See *Behlke v. Eisen (In Re Behlke)*, 358 F.3d 429, 433 (6th Cir. 2004). Applying this standard of review, the court has carefully and

thoroughly reviewed the record on appeal, paying particular attention to the exhibits cited by the bankruptcy court and the appellant. The court has also carefully and thoroughly reviewed the authority cited by the bankruptcy court and the parties.

The undersigned is in agreement with the findings and conclusions of the bankruptcy court. Because the reasoning which supports this court's decision has already been sufficiently articulated by the bankruptcy judge, this court will not issue a detailed written opinion because doing so would be an unnecessary use of judicial resources.

Accordingly, the order of the bankruptcy judge will be affirmed upon the reasoning employed by that court in its "Memorandum on Motion to Determine That Debtor Is Subject to the 'Single Asset Real Estate' Provisions of 11 U.S.C. § 362(d)(3)" that accompanied the challenged ruling. An order consistent with this opinion will be entered.

ENTER:

s/ Leon Jordan
United States District Judge